UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,102	06/25/2003	Lutz Rosenpflanzer	13907-058001/2003E00251 D	3609

			EXAMINER
32864 7590 02/28/2006			HILLERY, NATHAN

FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/607,102	ROSENPFLANZER ET AL.
	Examiner	Art Unit	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/14/05*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 11/14/05.

2.   Claims 1 – 29 are pending in the case. Claims 1 and 15 are independent.

3.   The rejection of claims 1 - 21 under 35 U.S.C. 112, second paragraph as being

indefinite has been changed as necessitated by amendment.

4.   The rejection of claims 1 - 21 under 35 U.S.C. 103(a) as being unpatentable has

been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

6.   Claims 1 – 29 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 1 – 29 recite functional descriptive

material with no practical application and fail to produce a useful, concrete, tangible

result. In addition, claims 15 – 21 and 26 – 29 recite an information carrier; thus, the

claims are not limited to embodiments which fall within a statutory category

7.   Further, to expedite a complete examination of the instant application the claims

rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth

below in anticipation of applicant amending these claims to place them within the four

statutory categories of invention.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9.   Claims 1 – 14 and 22 – 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the last limitation of claim 1, **mapping the first representation of the data variable information to the second representation of the data variable information *in the absence of input*,** is not described in the specification in such a way as to enable one skilled in the art to map the recited pieces of information in the absence of input. The Office finds no disclosure of "absence of input" in the current specification.

10.   Claims 15 – 21 and 26 – 29 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for **changing the data variable information from the first representation to the second representation separately form any change to the data structure,** does not reasonably provide enablement for **changing the data variable information from the first representation to the second representation independently from any change to the data structure.** The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Although the specification provides disclosure for changing data variable information separately from the data structure, the Office finds no

disclosure of changing the data variable information independently from the data

structure. In fact, the Office finds no antecedent basis for the term "independently" in the

original disclosure.

11.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

12.   Claims 1 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

13.   **Regarding independent claim 1**, it is unclear what applicant means by "in the

absence of input", especially in light of the dependent claims, which would be rendered

contradictory if considered, i.e. machine-readable instructions, a criterion, an XSL file, a

framework, a germane instruction, an Xpath expression, a trigger, etc. can all be

interpreted as some form of input within the broadest reasonable interpretation. Further,

there is no support in the specification to assist the Office in the proper interpretation

intended by applicant. Consequently, the phrase "in the absence of input" will not be

considered for purposes of examination at this time.

14.   The term "independently" in claim 15 is a relative term which renders the claim

indefinite. The term "independently" is not defined by the claim, the specification does

not provide a standard for ascertaining the requisite degree, and one of ordinary skill in

the art would not be reasonably apprised of the scope of the invention. Consequently,

changing the data variable information from the first representation to the second

representation *independently* from any change to the data structure has been

rendered indefinite. Therefore, claim 15 will be treated as incorporating substantially

similar subject matter as claim 1 in so much as can be reasonably understood for

purposes of this examination.

15.   **Regarding dependent claims 2 – 14 and 16 – 21**, the claims are rejected for

fully incorporating the deficiencies of the base claim(s) from which they depend.

Claim Rejections - 35 USC § 102

16.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17.   Claims 1, 2, 3, 7, and 9 – 22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Granade et al. (US 20020103881 A1).

18.   **Regarding independent claim 1**, Granade et al. teach that *Locale information*

provided to the application by localization component 210 specifies how to tailor

information for a particular country, region or culture. In many applications a locale

variable causes the application to generate information in a preferred language,

currency, date/time format and other information peculiar to the geographic or cultural

region. In one implementation, localization component 210 acts as a proxy for mobile

devices 106 and selects a locale variable in the application for generating information.

Information generated by the one or more applications in backend systems 102

correlates to the selected locale and appears on mobile devices 106 in the correct

format or language (paragraph block 0037), compare with **receiving information**

describing a first representation of data variable information in a data variable in

a first data processing system; receiving information describing a second

representation of the data variable in the second data processing system; and

mapping the first representation of the data variable information to the second

representation of the data variable information in the absence of input.

19. **Regarding dependent claims 2 and 9**, Granade et al. teach that *Locale*

information provided to the application by localization component 210 specifies how to

tailor information for a particular country, region or culture. In many applications a

locale variable causes the application to generate information in a preferred language,

currency, date/time format and other information peculiar to the geographic or cultural

region. In one implementation, localization component 210 acts as a proxy for mobile

devices 106 and selects a locale variable in the application for generating information.

Information generated by the one or more applications in backend systems 102

correlates to the selected locale and appears on mobile devices 106 in the correct

format or language (paragraph block 0037), compare with **mapping the first**

representation to the second representation comprises establishing machine-

readable instructions for changing the first representation of the data variable

information in the first data processing system to the second representation of

the data variable information in the second data processing system.

20.   **Regarding dependent claims 3, 7, 10, 12 and 13,** Granade et al. teach that

Locale information provided to the application by localization component 210 specifies

how to tailor information for a particular country, region or culture. In many applications

a locale variable causes the application to generate information in a preferred language,

currency, date/time format and other information peculiar to the geographic or cultural

region (paragraph block 0037), compare with **establishing the machine-readable**

instructions comprises establishing a criterion for identifying the data variable in

a first data structure; and **the machine-readable instructions comprise**

instructions for identifying the data variable in a data structure; receiving a

trigger for the mapping, the trigger identifying a data object class that includes

the data variable; the information describing the first representation of data

variable information comprises instructions for locating the information in the

first data processing system; the information describing the first representation

of data variable information comprises the first representation of data variable

information.

21.   **Regarding dependent claim 11,** Granade et al. teach that *A developer uses*

application builder 402 to create application metadata and other information describing

the interaction of an application in an intermediary language. In one implementation,

this intermediary language is compatible with XML and is typically stored in application

repository 116 (paragraph block 0048), compare with **storing results of the mapping in a collection of mapping results.**

22.   **Regarding dependent claim 14,** Granade et al. teach that *Mobile application presentation server 114 in FIG. 3 uses this metadata and other information to create menus, forms, messages and other user-interface elements in a language appropriate for display on the target mobile device. The metadata provides mobile application presentation server 114 with abstract descriptions of the application operation and assists in generating platform specific code to display these elements on the mobile display* (paragraph block 0048), compare with **receiving instructions for data interfacing with the first data processing system; and adding the interfacing instructions to results of the mapping.**

23.   **Regarding claims 15 – 21,** the claims incorporate substantially similar subject as claims 1, 2, 7, 9, 12, 13 and are rejected along the same rationale.

24.   **Regarding dependent claims 22 – 29,** Granade et al. teach that *In many applications a locale variable causes the application to generate information in a preferred language, currency, date/time format and other information peculiar to the geographic or cultural region* (paragraph block 0037), compare with **the first representation specifies a language of the information in the data variable; the first representation specifies a unit of the information in the data variable; the first representation specifies a notation of the information in the data variable; the first representation specifies a format of the information in the data variable.**

Claim Rejections - 35 USC § 103

25.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

26.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade

et al. (US 20020103881 A1) as applied to claims 1 and 2 above and in further view of

MOHR ET AL. (BizTalk Mapper [as cited by Applicant]).

27.   **Regarding dependent claim 4**, Grenade et al. do not explicitly teach

establishing machine-readable instructions comprises establishing an extensible

stylesheet language (XSL) file that describes how to change the first

representation of the data variable information. However, MOHR ET AL. teaches

that *when the desired mapping is complete, a programmer compiles the map using the*

Mapper. This results in an XML transformation (XSLT) stylesheet (page 2, lines 21 –

23), compare with **establishing machine-readable instructions comprises**

establishing an extensible stylesheet language (XSL) file that describes how to

change the first representation of the data variable information. It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the

invention of Granade et al. with that of MOHR ET AL. because such a combination

would provide the users of Granade et al. with details about a backend system such as

BizTalk.

28.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade

et al. (US 20020103881 A1) as applied to claims 1, 2, and 7 above, and further in view

of W3C (XSLT [as cited by Applicant]).

29.   **Regarding dependent claim 8**, Granade et al. do not explicitly teach **the**

instructions for identifying the data variable comprise an Xpath expression for

identifying an object of an object class that includes the data variable. However, it

would have been obvious to one of ordinary skill in the art at the time of the invention to

be well aware that if the data variable to be mapped is part of a larger data structure, it

must be identified in that data structure. Also, in the context of XSL transformations

(XSLT), the use of Xpath expressions is well-known to those of ordinary skill in the art

as a way to achieve such functionality, as is further evidenced by W3C, which teaches

that *XSLT makes use of the expression language defined by (XPath) for selecting*

elements for processing...(page 4, paragraph 3), compare with **the instructions for**

identifying the data variable comprise an Xpath expression for identifying an

object of an object class that includes the data variable. It would have been obvious

to one of ordinary skill in the art at the time of the invention to combine the invention of

Granade et al. with that of W3C because such a combination would provide the users of

Granade et al. with W3C's detailed recommendation, which specifies XSLT

transformations.

30.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade

et al. (US 20020103881 A1) as applied to claims 1 and 2 above, and further in view of

REEUWIJK (TM [as cited by Applicant]).

31.   **Regarding dependent claim 5**, Granade et al. do not explicitly teach

establishing the machine-readable instructions comprises: receiving a framework

for instructions; and inserting instructions into the framework. However,

REEUWIJK teach that *Tm code generation is based on templates: source texts for the*

target programming language interspersed with text-substitution and repetition

commands for Tm (page 900, lines 4-5) and that *Using the templates and the data-*

structure definitions, code can be generated ... (page 900, line 12), compare with

establishing the machine-readable instructions comprises: receiving a framework

for instructions; and inserting instructions into the framework. It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the

invention of Granade et al. with that of REEUWIJK because such a combination would

provide the users of Granade et al. with a code generator for recursive data structure

software.

32.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade

et al. (US 20020103881 A1) as applied to claims 1 and 2 above, and further in view of

GRAHAM ET AL. (Sigplan Symposium [as cited by Applicant]).

33.   **Regarding dependent claim 6**, Granade et al. do not explicitly teach

establishing the machine-readable instructions comprises selecting a germane

instruction for transforming first representation to the second representation

from a collection of instructions for transforming the first representation to the

second representation. However, GRAHAM ET AL. teach ... *an approach to code*

generation in which instructions are selected by a pattern-matching process that

chooses instructions from a table ... (page 32, lines 16-19), compare with **establishing**

the machine-readable instructions comprises selecting a germane instruction for

transforming first representation to the second representation from a collection

of instructions for transforming the first representation to the second

representation. It would have been obvious to one of ordinary skill in the art at the time

of the invention to combine the invention of Granade et al. with that of GRAHAM ET AL.

because such a combination would provide the users of Granade et al. with table driven

code generation.

Response to Arguments

34.   Applicant's arguments with respect to claims 1 – 21 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

35.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

2/5/2006

NH